

JUDGE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR12-133 RSM
Plaintiff,)	
v.)	DEFENDANT'S PROPOSED VOIR
MARK SPANGLER,)	DIRE
Defendant.)	

Now comes the defendant, Mark Spangler, through his counsel, Assistant Federal Public Defender John Carpenter, and proposes the following potential questions for prospective jurors in the trial of this matter.

- 1) How have you been employed over the past five years?
- 2) If not currently employed:
 - a) When were you last employed?
 - b) How were you employed for the five years prior to leaving the workforce?
- 3) What is the employment of all working members of your household?
- 4) Are you presently training for or seeking employment in a field other than the one in which you are currently employed? If so, in what field?

1 5) Have you or has anyone close to you ever been employed by the United
2 States government? If so, in what capacity?

3 6) Have you or has anyone close to you ever applied for a job with or worked
4 for a law enforcement agency or in the security field?

5 7) When you hear that someone has been charged in connection to a crime, to
6 what extent do you tend to feel that the defendant is guilty of the crime
7 charged?

8 ____ Not at all ____Somewhat ____Moderately ____Strongly
9 ____Very strongly

10 8) When a person is charged with a crime, to what extent do you feel he or she
11 should be required to prove his or her innocence?

12 ____ Not at all ____Somewhat ____Moderately ____Strongly
13 ____Very strongly

14 9) The prosecutor has the burden of proving a criminal case to the standard of
15 "beyond a reasonable doubt." To what extent would you like to see the
16 burden of proof in a criminal case be lowered to the level of "more likely
17 than not"?

18 ____ Not at all ____Somewhat ____Moderately ____Strongly
19 ____Very strongly

20 10) Do you realize that the burden of proof is greater for a criminal case than
21 for a civil case?

22 Yes ____ No ____

23 //

24 //

25 //

26

1 11) In a criminal case each and all of the twelve jurors must agree unanimously
2 that the defendant is guilty as charged. To what extent would you like to
3 see this changed to requiring that only 11 of 12 jurors agree that the
4 defendant is guilty as charged?

5 ____ Not at all ____Somewhat ____Moderately ____Strongly
6 ____Very strongly

7 12) When a defendant does not testify in his or her own defense, to what extent
8 do you feel this reflects the defendant is guilty or hiding something?

9 ____ Not at all ____Somewhat ____Moderately ____Strongly
10 ____Very strongly

11 13) When a defendant does testify in his or her own defense, to what extent do
12 you feel that the defendant is probably going to lie?

13 ____ Not at all ____Somewhat ____Moderately ____Strongly
14 ____Very strongly

15 14) Do you believe that some defendants are wrongly convicted?

16 Yes ____ No ____

17 15) Would any of you tend to give any greater weight or credibility, no matter
18 how slight, to the testimony of a federal agent, police officer, or
19 prosecution witness merely because they were government employees,
20 witnesses, or law enforcement agents?

21 16) What about people who are state employees?

22 17) Would you give their testimony greater weight or credibility over that of
23 the defendant or witnesses on his behalf?

24 18) Do you think lawyers for the Government are more honest and trustworthy
25 than the lawyers for Mr. Spangler?

26 19) Are any of you investors in stocks and bonds?

- 1 20) Do any of you feel businessmen are more likely to be dishonest than
2 anyone else?
- 3 21) What about financial advisors? Do any of you have a financial advisor now
4 or have you used one in the past?
- 5 22) Do you now or have you in the past used a stock broker? Were you
6 satisfied with what he or she did for you?
- 7 23) Have you ever heard of the term Hedge Fund?
- 8 24) If someone invests money through a financial advisor, and then later that
9 money is lost, do you believe the financial advisor would have committed a
10 crime?
- 11 25) Do you agree that if someone knowingly invests in a risky venture and then
12 loses their money, that someone must have committed a crime for them to
13 have lost that money?
- 14 26) This case involves the loss of approximately \$23 million of funds. How
15 many of you believe the size of that figure suggests criminal wrongdoing?
- 16 27) Have you or has anyone close to you ever been involved in the trial of any
17 criminal case, either as a party, a witness, a court employee, or in any other
18 capacity?
- 19 28) Have you or has anyone close to you ever served on a grand jury?
- 20 29) Have you ever served on a jury trial before? Was it a civil or criminal case?
- 21 30) Did the jury reach a verdict?
- 22 31) Was there anything about that experience which could make it difficult for
23 you to again sit as a fair juror?

24 //

25 //

1 32) After the jury rendered its verdict or advised the court that it was hung, but
2 before the jury was excused, did the judge say anything to the jury
3 members other than to thank you for your services? If the judge discussed
4 the case with you after the verdict or hung jury, did he or she say anything
5 which indicated whether the jury had done the right or wrong thing?

6 33) Do you have any physical problems which would make it difficult for you
7 to hear or to give your full attention to the evidence?

8 34) Is there any serious problem which you are currently experiencing which
9 would cause you to be so distracted that you could not give your full
10 attention to this case?

11 35) Is there anything else, about which no one has asked, that you feel would
12 prevent you from sitting as a fair juror in this case?

13
14 DATED this 11th day of October, 2013.

15 Respectfully submitted,

16 s/ John R. Carpenter

17 JOHN R. CARPENTER

18 Attorney for Mark Spangler
19
20
21
22
23
24
25
26

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties registered with the CM/ECF system.

s/ Carolyn Calder

Carolynn Calder, Paralegal
Federal Public Defender
1601 Fifth Avenue, Suite 700
Seattle WA 98101
206/553-1100 voice
206/553-0120 facsimile
carolynn_calder@fd.org